

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 247

HOUSE BILL 2364

AN ACT

AMENDING SECTION 38-431.02, ARIZONA REVISED STATUTES; RELATING TO PUBLIC MEETINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-431.02, Arizona Revised Statutes, is amended to
3 read:

4 38-431.02. Notice of meetings

5 A. Public notice of all meetings of public bodies shall be given as
6 follows:

7 1. The public bodies of the state shall file a statement with the
8 secretary of state stating where all public notices of their meetings will
9 be posted and shall give such additional public notice as is reasonable and
10 practicable as to all meetings.

11 2. The public bodies of the counties, school districts and other
12 special districts shall file a statement with the clerk of the board of
13 supervisors stating where all public notices of their meetings will be posted
14 and shall give such additional public notice as is reasonable and practicable
15 as to all meetings.

16 3. The public bodies of the cities and towns shall file a statement
17 with the city clerk or mayor's office stating where all public notices of
18 their meetings will be posted and shall give such additional public notice
19 as is reasonable and practicable as to all meetings.

20 B. If an executive session will be held, the notice shall be given to
21 the members of the public body, and to the general public, stating the
22 specific provision of law authorizing the executive session.

23 C. Except as provided in subsections D and E, meetings shall not be
24 held without at least twenty-four hours' notice to the members of the public
25 body and to the general public.

26 D. In case of an actual emergency, a meeting, including an executive
27 session, may be held upon such notice as is appropriate to the circumstances.
28 If this subsection is utilized for conduct of an emergency session or the
29 consideration of an emergency measure at a previously scheduled meeting the
30 public body must post a public notice within twenty-four hours declaring that
31 an emergency session has been held and setting forth the information required
32 in subsections H and I.

33 E. A meeting may be recessed and resumed with less than twenty-four
34 hours' notice if public notice of the initial session of the meeting is given
35 as required in subsection A, and if, prior to recessing, notice is publicly
36 given as to the time and place of the resumption of the meeting or the method
37 by which notice shall be publicly given.

38 F. A public body which intends to meet for a specified calendar
39 period, on a regular day, date or event during such calendar period, and at
40 a regular place and time, may post public notice of such meetings at the
41 beginning of such period. Such notice shall specify the period for which
42 notice is applicable.

43 G. Notice required under this section shall include an agenda of the
44 matters to be discussed or decided at the meeting or information on how the
45 public may obtain a copy of such an agenda. The agenda must be available to

1 the public at least twenty-four hours prior to the meeting, except in the
2 case of an actual emergency under subsection D.

3 H. Agendas required under this section shall list the specific matters
4 to be discussed, considered or decided at the meeting. The public body may
5 discuss, consider or make decisions only on matters listed on the agenda and
6 other matters related thereto.

7 I. Notwithstanding the other provisions of this section, notice of
8 executive sessions shall be required to include only a general description
9 of the matters to be considered. Such agenda shall provide more than just
10 a recital of the statutory provisions authorizing the executive session, but
11 need not contain information that would defeat the purpose of the executive
12 session, compromise the legitimate privacy interests of a public officer,
13 appointee or employee, or compromise the attorney-client privilege.

14 J. Notwithstanding subsections H and I, in the case of an actual
15 emergency a matter may be discussed and considered and, at public meetings,
16 decided, where the matter was not listed on the agenda provided that a
17 statement setting forth the reasons necessitating such discussion,
18 consideration or decision is placed in the minutes of the meeting and is
19 publicly announced at the public meeting. In the case of an executive
20 session, the reason for consideration of the emergency measure shall be
21 announced publicly immediately prior to the executive session.

22 K. Notwithstanding subsection H, the chief administrator, or presiding
23 officer OR A MEMBER of a public body may present a brief summary of current
24 events without listing in the agenda the specific matters to be summarized,
25 provided that:

26 1. The summary is listed on the agenda.

27 2. The public body does not propose, discuss, deliberate or take legal
28 action at that meeting on any matter in the summary unless the specific
29 matter is properly noticed for legal action.

APPROVED BY THE GOVERNOR MAY 20, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2002.

Passed the House April 4, 2002,

by the following vote: 54 Ayes,

1 Nays, 5 Not Voting

[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate May 6, 2002,

by the following vote: 25 Ayes,

2 Nays, 3 Not Voting

[Signature]
President of the Senate

Chas. B. Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2364

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

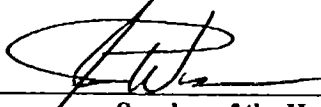
Secretary of State

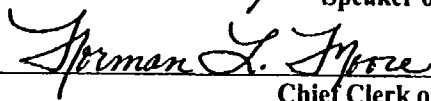
HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 16, 2002,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting


Speaker of the House

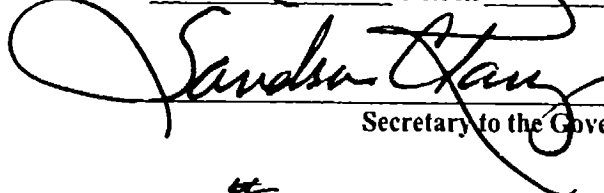

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of May, 2002

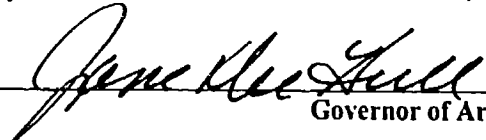
at 3:00 o'clock P M.


Secretary to the Governor

Approved this 20th day of

May, 2002

at 10:02 o'clock 4 M.


Governor of Arizona

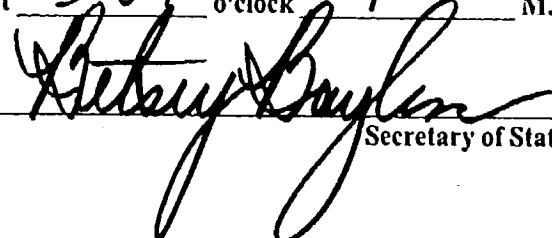
H.B. 2364

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of May, 2002

at 3:54 o'clock P M.


Secretary of State